

## Remarks

### I. General Remarks and Disposition of the Claims

Claims 1-5, 8-9, and 12-14 are pending in this application. Claim 7 has been cancelled. Claims 1-5, 7-9, and 12-14 are rejected. Applicants respectfully request reconsideration in light of the remarks contained herein.

### II. Remarks Regarding Rejection of Claims Under 35 U.S.C. § 103(a)

Claims 1-5, 7-9, and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,787,000 issued to Lilly et al. (hereinafter “Lilly”) in view of Layden (“A Rapidly Changing Landscape”) (hereinafter “Layden”) in further view of Manugistics5 (“Manugistics Introduces Industry’s Only Extended Supply Chain Management Solution”) (hereinafter “Manugistics”). Applicants respectfully traverse because the Examiner has not established a *prima facie* case of obviousness because the prior art reference (or references when combined) do not teach or suggest all the claim limitations. See MANUAL OF PATENT EXAMINING PROCEDURE § 2143 (hereinafter “MPEP”).

Specifically, the combination of Lilly, Layden, and Manugistics fails to teach or suggest a material delivery schedule, wherein the step of generating the delivery schedule includes the step of scheduling a delivery of material to manufacture each item, wherein the scheduling of the delivery includes scheduling the delivery of the material prior to the time the material is needed according to the work schedule, and wherein the step of generating the material delivery schedule comprises adding the delivery of the material from an available inventory of material to an operation of at least one operation on a manufacturing line to the material delivery schedule.

The Specification of the present application, at paragraph [0035] states:

A material delivery schedule identifies a material, a quantity, a material need-by time, and a delivery location (an operation and/or manufacturing line) for each material required to fulfill the work schedule. The material delivery schedule is used to ensure that materials needed to manufacture the items are delivered to the location they are needed on the manufacturing line prior to the time when manufacturing the item is to begin. The material delivery schedule is developed on a just-in-time basis so that materials are delivered to the manufacturing line just prior to the time that the material is needed for manufacturing the item.

Additionally, paragraph [0064] of the Specification discusses how, in certain embodiments, a delivery scheduling module 370 uses the material requirements generated by a scheduling module 330 and a truck arrival schedule to produce a material delivery schedule.

The Examiner points to Lilly as teaching the required claim elements (Office Action, p.4) The cited portions of Lilly describe material availability information and the scheduling of work orders, but do not teach or suggest a schedule for *material delivery* that is generated by scheduling a delivery of material to manufacture each item and adding the delivery of the material to the material delivery schedule. Specifically, Lilly discusses a scheduling system that “checks material availability when scheduling an operation” and scheduling an *operation* at a time when materials are available. (Lilly, 8:33-67) Lilly fails to teach or suggest a schedule for the *delivery* of materials.

Layden and Manugistics fail to remedy the deficiencies of Lilly. The Examiner does not point to either Layden or Manugistics as teaching the above cited required elements of the claims. Layden does not teach or suggest a schedule for the *delivery* of materials. Layden discusses the possible triggering of reorders. (Layden, ¶ 11). The “triggering of reorders” is not the same as generating *delivery schedule* by scheduling a delivery of material to manufacture each item, wherein the scheduling of the delivery includes scheduling the delivery of the material prior to the time the material is needed *according to the work schedule*, and wherein the step of

generating the material delivery schedule comprises adding the delivery of the material from an available inventory of material to an operation of at least one operation on a manufacturing line to the material delivery schedule. Manugistics discusses visibility into information such as manufacturing schedules and shipment status, and mentions integrating inventory data with a floor schedule, but fails to teach or suggest a schedule for the *delivery* of materials. (Manugistics, ¶¶1, 5, 7, and 9).

Thus, the combination of Lilly, Layden, and Manugistics fails to teach or suggest all of the claim limitations, and as such, a *prima facie* case of obviousness has not been established. Applicants respectfully request that the rejection of the claims over this combination be withdrawn.

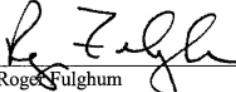
### **III. No Waiver**

All of Applicants' arguments are without prejudice or disclaimer. Additionally, Applicants have merely discussed why the Lilly, Manugistics, and Layden references do not render the invention of the present application obvious. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The arguments made by Applicants are sufficient to overcome the obviousness rejection.

**Conclusion**

Applicants respectfully submit that the rejection of pending claims 1-5, 8-9, and 12-14 should be withdrawn and that these claims, as amended, should be passed to issuance.

Respectfully submitted,



---

Roger Fulghum  
Registration No. 39,678

Baker Botts L.L.P.  
910 Louisiana  
One Shell Plaza  
Houston, Texas 77002-4995  
(713) 229-1707

Baker Botts Docket Number: 016295.1099

Date: March 27, 2007